

**CHARTER TOWNSHIP OF GRAND BLANC  
GENESEE COUNTY, MICHIGAN**

**GENERAL ORDINANCE NO.023**

**AN ORDINANCE TO REPEAL THE EXISTING SECTION 12-28 (CD12:30) OF THE CRIMINAL CODE OF ORDINANCES FOR THE CHARTER TOWNSHIP OF GRAND BLANC AND TO ADOPT A NEW SECTION 12-28 FOR THE REGULATION OF THE IGNITION, DISCHARGE, AND USE OF CONSUMER FIREWORKS, AS ALLOWED UNDER THE MICHIGAN FIREWORKS SAFETY ACT MCL 28.451 ET SEQ., AS AMENDED.**

**THE CHARTER TOWNSHIP OF GRAND BLANC ORDAINS:**

- Section 1.            Repealer. The Charter Township of Grand Blanc, Michigan, does hereby repeal Section 12-28 of the Code of Ordinances for the Charter Township of Grand Blanc.
- Section 2.            Adoption. The Charter Township of Grand Blanc, Michigan, does hereby adopt Section 12-28 of the Code of Ordinances for the Charter Township of Grand Blanc.

**Short Title.** This Ordinance shall be known and may be cited as the “2012 Fireworks Ordinance.”

**Statement of Purpose.** This is an Ordinance to repeal the existing Section of the Township Code dealing with Fireworks and to adopt a new Section to provide for the regulation of the ignition, discharge, and use of consumer fireworks, as allowed under the Michigan Fireworks Safety Act, MCL 28.451 et seq., as amended.

**Definitions.** As used in this Ordinance, the following terms shall be defined as follows:

- (A) “APA standard 87-1” means 2001 APA standard 87-1, standard for construction and approval for transportation of fireworks, novelties, and theatrical pyrotechnics, published by the American Pyrotechnics Association of Bethesda, Maryland.
- (B) “Consumer Fireworks” means fireworks devices that are designed to produce visible effects by combustion, that are required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States Consumer Product Safety Commission under 16 CFR parts 1500 and 1507, and that are listed in APA standard 87-1, 3.1.2, 3.1.3., or 3.5. Consumer Fireworks does not include low-impact fireworks.

- (C) “Fireworks” means any composition or device, except for a starting pistol, a flare gun, designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation.
- (D) “Low-impact Fireworks” means ground and handheld sparkling devices as that phrase is defined under APA standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8, and 3.5.
- (E) “Minor” means an individual who is less than 18 years of age.
- (F) “National Holiday” means the following legal public holidays:
  1. New Years’ Day – January 1.
  2. Birthday of Martin Luther King, Jr. – the third Monday in January.
  3. Washington’s Birthday – the third Monday in February.
  4. Memorial Day – the last Monday in May.
  5. Independence Day – July 4.
  6. Labor Day – the first Monday in September
  7. Columbus Day – the second Monday in October
  8. Veteran’s Day – November 11.
  9. Thanksgiving Day – the fourth Thursday in November.
  10. Christmas Day – December 25.

**Ignition, Discharge and Use of Consumer Fireworks.** A person shall not ignite, discharge, or use consumer fireworks, except on the day preceding, the day of, or the day after a national holiday.

**Possession of Consumer Fireworks by a Minor.** A minor shall not possess consumer fireworks.

**Prohibited Locations.** A person shall not ignite, discharge, or use consumer fireworks on public property, school property, church property, or property of another person, without that organization’s or person’s express permission to use those fireworks on those premises.

**Use While Under Influence Prohibited.** An individual shall not use consumer fireworks or low-impact fireworks while under the influence of alcoholic liquor, a controlled substance, or a combination thereof.

**Reckless Use of Fireworks.** An individual shall not use consumer fireworks to damage or destroy property of others or use the same in a reckless disregard for the safety of persons or property.

**Penalty.**

- (A) A violation of this Ordinance is a misdemeanor and shall be punished by a fine not to exceed Five Hundred (\$500.00) Dollars, plus the costs of prosecution, and/or by

imprisonment for a period of not more than ninety (90) days, or by both such fine and imprisonment.

- (B) If the police officer determined that a violation of the Ordinance occurred, the officer may seize the consumer fireworks as evidence of the violation. Following a final disposition, with a finding of responsibility for violating this Ordinance, the Township may dispose or destroy any consumer fireworks retained as evidence in that prosecution.

**Effective Date.** This Ordinance shall become effective following adoption after a first reading and upon publication, by posting at three (3) conspicuous places, as the Charter Township of Grand Blanc has determined this to be an Emergency Ordinance, and is immediately necessary for the preservation of public peace, health or safety.

At a regular meeting of the Charter Township of Grand Blanc held on July 24, 2012, adoption of the foregoing Ordinance was moved by Trustee Anderson and supported by Trustee Bush.

Voting For: Bush, Anderson, Guzak, Lane, Hoffman.  
Voting Against: Thompson.  
Absent: Kent.

**The Supervisor declared the Ordinance adopted.**

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Marilyn Hoffman, Township Supervisor

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Catherine Lane, Township Clerk

**First Reading of Emergency Ordinance: July 24, 2012**

Publication: The Flint Journal on July 31, 2012

Posted: Township Hall, Police Department, Fire Station #1

Effective: July 31, 2012

### **CERTIFICATION**

I, Catherine Lane, the duly qualified Clerk of the Charter Township of Grand Blanc, Genesee County, Michigan, do hereby certify the foregoing is a true and complete copy of General Ordinance No. 023 adopted as an Emergency Ordinance by the Township Board of the Charter Township of Grand Blanc, at a regular meeting held in the Grand Blanc Township Government Center, 5371 S. Saginaw Street, P.O. Box 1833, Grand Blanc, Michigan, on the 24<sup>th</sup> day of July 2012, by a majority of the members of the Board present and voting, the original of which is on file in my office.

I further certify a copy of the above Ordinance was published in The Flint Journal, a newspaper of general circulation in the Township on July 31, 2012.

IN WITNESS WHERE OF, I have hereunto affixed my official signature this 25<sup>th</sup> day of July 2012.

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Catherine Lane, Township Clerk